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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,462	01/20/2006	Stephen Mark McAllister	PU60404	9920

20462 7590 10/15/2010  
GlaxoSmithKline  
GLOBAL PATENTS -US, UW2220  
P. O. BOX 1539  
KING OF PRUSSIA, PA 19406-0939

EXAMINER
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TRAN, SUSAN T

ART UNIT	PAPER NUMBER
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1615

NOTIFICATION DATE	DELIVERY MODE
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10/15/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10565462	1/20/06	MCALLISTER ET AL.	PU60404

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**EXAMINER**

S. TRAN

**ART UNIT****PAPER**

1615

20101012

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**Commissioner for Patents**

The Reply filed 08/03/10 is considered noncompliant because it has failed to meet the requirement of 37 CFR 1.143, which requires that: the reply to the restriction requirement to be complete must include (i) an election of an invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention. Applicant's Reply filed 08/03/10 did not include an election of an invention. The Reply states that "as the restriction is flawed as to what is contained within the two groups, Applicant's cannot elect until the restriction is properly made". In response to Applicant's Remarks, however, the Examiner notes that the claims numbers disclosed in Group II was an obvious typographical error. For example, claim 71 is a dependent claim, which depends in claim 37 of Group I. The claims numbers for Groups I and II are as follow:

I. Claims 37-41 and 44-72 are drawn to a multi-component dosage form, classified in class 424, subclass 489.

II. Claims 73-106 are drawn to a capsule dosage form, classified in class 424, subclass 451.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/S. TRAN/  
Primary Examiner, Art Unit 1615